

MINUTES

RANDOLPH COUNTY PLANNING BOARD

May 4, 2004

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 4, 2004, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; and Chris McLeod, present.
3. **Craven** made the motion, seconded by **Ridge**, to approve the Minutes of the April 6, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUESTS:**

***Swearing in of the Witnesses** - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."*

Four citizens took this oath.

- A. **GARRY & DIANE COOK**, Denton, North Carolina, are requesting a Special Use Permit to allow a 50' x 60' metal building to be constructed for personal use at their residence located at 6333 Roscoe Road, 27.29 acres, New Hope Township, Zoning District RA, Tax ID# 6696367346.

Garry Cook was present and explained that he has lived here for 8 years. Cook said that he and his son-in-law work on their personal classic cars and he plans to use the building to work on these cars. Cook said that he doesn't repair cars for other people. Cook said that he realizes there are some junk vehicles on the property and he plans to haul them to the junkyard. Cook said that he plans to build a privacy fence along the property line. Cook said that the proposed building would be approximately 100 ft. from the property line. Cook said that he drives a logging truck for a living and he plans to service his truck in this building.

There was no one present in opposition to this request.

Dorsett said that he felt that it would be better for the County to allow Cook to build a building to get all his materials inside a building.

Craven made the motion, seconded by **Dorsett**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- B. **TOM SPEARS**, Asheboro, North Carolina, is requesting a Special Use Permit to allow a Planned Rural Development for family members located off Carl Brady Road, 65.60 acres, Pleasant Grove Township, Zoning District RA, Tax ID# 8626311200.

Spears said that his family purchased the property 14 years ago with the intention to retire to this property. Spears said they were advised by their attorney to divide the property into single-ownership to reduce liability. Spears said currently his brother and sister own residences on the property. Spears said he and his other brother want to build on the property now. Spears said this would be 4 residences on 65+ acres of land. Spears explained that they do have an access easement to the property.

Randy Thomason, 322 Rothrock Road, Lexington, said that his family owns the property that the easement crosses. Thomason said the 16 ft. easement was given in 1985 to a couple that owned the residence at that time. Thomason said his father-in-law gave the easement originally for that owner to build their home. Thomason said he didn't feel it would be a good idea to further divide the property. Thomason said the easement was granted to the 65 acres as a single tract and not to be further subdivided. Thomason said he didn't see how the property could be subdivided because the County requires private roads to be a minimum width of 45 ft. Thomason said the Special Use Permit requirements require the road to be a minimum of 20 ft. Thomason said that the easement is only 8 ft. wide when it reaches the northeast corner of the Spears property. Thomason introduced a letter from his attorney concerning the easement into the record. Thomason said it is his attorney's legal opinion that the easement was for one residence. There is not room for two cars to pass on this road. Thomason said they are concerned that more lots could be created on the road in the future. **Johnson** asked who maintains the road and **Spears** answered that they maintain the road. **Dorsett** asked if the easement was deeded or granted. **Thomason** answered it was deeded. **Dorsett** said that the easement would be deeded to the entire property. **Thomason** said that the property was purchased without a title opinion and then the Spears waited 15 years to come and ask for their

development plans to be approved. Thomason said that he is not against the Spears, but he feels that the Spears didn't do the appropriate homework before they bought the property.

Paul Powers, 6836 Carl Brady Road, said that he didn't have a problem with 4 residences being built on the property but he didn't want the Spears to cross his property. Powers presented the Board with a map of where the road is located. Powers said that currently the existing road does touch his property.

Phil Spears, Coatsville, Indiana, said that his brother's family and his parents moved to the area years ago. Spears said that his family loved the area and began to look for property for their entire family to retire. Spears said they purchased this land for that purpose. Spears said that they did have an attorney when they purchased the property 14 years ago. Spears said that they haven't caused any problems in the past and they have been using this drive for 14 years. Spears said that the utilities come into the property down the easement.

Bob Spears said that they installed underground electrical lines on the Powers property 14 years ago. Spears said that the lines that are currently there would be capable of providing power to the 2 additional homes.

Chairman McDowell asked Attorney Ben Albright his opinion in the matter. **Albright** said that he was familiar with the case and he disagreed with the opinion of Thomason's attorney. Albright said that an easement is granted to an entire tract and the tract could be divided into multiple lots and the easement could be used by each new lot owner. Albright said that he didn't feel these four lots would over-tax the existing easement.

Dorsett said that it concerns him that the easement is only 8 ft. wide at the property line. Dorsett said that he would be concerned that emergency service vehicles could not reach the property with such a narrow drive.

Craven said that the easement was granted in 1985 and this request is only for four retirement homes.

Brown said that this property would be fine to use as a farm with one residence.

Dorsett made the motion to **deny** this request for a Special Use Permit because the use did not meet all required conditions and specifications. **Brown** seconded this motion.

Ridge said that he didn't see that this request was a bad thing. Ridge said he

would like to see this request postponed to determine if the property owners have a 16 ft. wide easement at their property line.

McDowell agreed.

Dorsett said he would **withdraw** his motion if another Board member would make a motion to postpone the request.

Ridge made the motion, seconded by **McLeod**, to postpone this request until next month. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **MITCHELL BECK**, Randleman, North Carolina, is requesting that 3.75 acres located at end of Beck Country Drive (off Worthville Road), Franklinville Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Tax ID# 7774080601. The proposed Conditional Use Zoning District would specifically allow a junkyard and the operation of used car sales lot.

- **Technical Review Committee Recommendation:**

The property has been in continual zoning violation for several years. It is the Technical Review Committee's policy to not recommend approval of any zoning change request of a property that is currently in violation of zoning requirements. The following is a chronology of Planning Department Code Enforcement activities involving the Mitchell Beck Property.

- *3-5-96: Application was heard by County Planning Board, PB recommended denial.*
- *4-1-96: Application for the Re-zoning was denied by the County Commissioners.*
- *About 1990, Code enforcement officer visited Beck site with the Building inspector. Beck said he had been selling used cars for several years. Beck was informed that he could not expand his business.*
- *The County Tax Map, dated March 26, 1991, shows less than 90 cars including personal cars.*
- *In January 1996, Code enforcement officers visited Beck site. Beck was informed that he was in violation of the County Zoning Ordinance concerning a salvage yard. To continue operation at*

the same level, Beck would need to get the property rezoned for the same.

- *February 13, 1996, Mitchell Beck applied to have his property rezoned for a salvage yard.*
- *March 5, 1996, the County Planning Board recommended the application be denied because Beck had expanded his business and because it backed up to Polecat Creek.*
- *April 1, 1996, the County Commissioners denied Beck's request for a rezoning.*
- *March 7, 1997, Code enforcement officer mailed a "Notice of Violation" to Beck.*
- *April 7, 1997, Code enforcement officer visited site, Beck had taken no corrective action to Johnson's notice.*
- *June 2, 1997, Code enforcement officer visited site, Beck had increased the number of cars.*
- *August 29, 1997, Code enforcement officer visited site, Beck had increased the number of cars.*
- *October 24, 1997, Code enforcement referred Beck case to County Attorney*
- *December 10, 1997, County Attorney notified Beck of his violation.*
- *February 26, 2002 - Code enforcement officer posted property.*
- *Fall of 2002, County Attorney dismissed the Beck case "without prejudice."*
- *February 13, 2004 Code enforcement posted Beck property to resume legal proceedings.*
- *March 5, 2004, Mitchell Beck requested that property be rezoned for a salvage yard*
- *County Attorney is awaiting Planning Board's action before filing legal case against Beck.*
- *May 3, 2004, Beck Rezoning Request to be heard by County Planning Board*

Johnson gave a brief summary of the Beck case and presented aerial photographs of the property. Johnson explained that those businesses that were operating in the county prior to zoning regulations were grandfathered. Johnson explained that the businesses could continue to operate but could not be expanded without the appropriate zoning classification. Johnson said that County aerial photographs taken in 1991 clearly showed a portion of the Beck property being used for automotive storage. Johnson said that the County aerial photographs taken in 1982 didn't show any automobiles being stored on the property. Johnson explained that the County has placed any legal action on hold until this public

hearing process is completed.

Mitchell Beck, 3142 Beck Country Drive, said he purchased the property in 1972 and he has always stored junk vehicles on the property. Beck said the cars could not be seen on the County's maps because they were under the trees and could not be seen. Beck said that when the picture was taken in 1991, he had just had many of his cars crushed and removed from the property. Beck explained that he takes cars in which people's loved ones have been killed. Beck said he also purchases cars from wrecker services, strips the cars of usable parts, and sells these parts. Beck said that when he came to the Board in 1996, he told the Board he didn't want his property rezoned; he just wanted to be left alone. Beck said he believes that is why the Board didn't rezone his property at that time. Beck gave the Board pictures of some of his neighbors' properties with trash piles. **Johnson** asked Beck if he had ever been licensed by the State to operate a salvage yard. **Beck** answered no. Beck gave the Board a picture of the trucking company beside his property. Beck said they came to the Planning Board in 1996 in favor of his request. Beck said the Bishops, owners of the trucking company, are fine people. Beck said that he has operated his business on this property since 1978. **Dorsett** asked Beck if this is his primary occupation and **Beck** answered yes. Beck said that he crushed and removed over 1200 cars from this property last year. Beck said that after those cars were removed, he only had 200-300 cars on the property. Beck said that 14 years ago he got saved and the Lord has blessed him. Beck said since that time he has gotten a wrecker, a roll-back vehicle, etc. to operate in his business. Beck said his property has always been full of cars and he hasn't expanded his business. Beck said that in 1996 he started filling up the property in front of his house because the back property was so wet he couldn't get the cars pulled to that part of the property. Beck said he would like his property to be zoned so he could continue to operate his business without the code enforcement officers visiting him.

Rick Scott, 3282 Robbins Scott Road, said Beck is storing cars on the property line and in some areas over onto their property. Scott told Beck to move his cars off of his property immediately. Scott said that he was surprised that the County didn't take any legal action against Beck in 1996. Scott said the 500-600 cars that are currently on the property are a sorrowful sight. Scott said they have planted a buffer on their property but Beck has not attempted to do anything to make amends with any of his neighbors. Scott said there are nice homes in this area and this junk yard is an eyesore in their community. Scott said the trucking company keeps their property nice and Beck's property is not consistent with any property in the neighborhood. Scott said there have been times when Beck has "towers" made of cars stacked 5 to 6 vehicles high. Scott said this property devalues the surrounding properties. Scott expressed concern for his livestock on their small farm. Scott said the property is not well suited for a junkyard because it has no

buffers and it backs up to Deep River. Scott said that he remembers Beck having a bulldozer on the property in 1989 and he felt that is when the business was started. Scott said that Beck does not maintain his property line. **Dorsett** asked Scott when he moved into his new home on this property and **Scott** answered 1991.

Jane Cook, 1658 Worthville Road, said that she agreed with Scott and she is opposed to this request being approved. Cook said that, unlike Scott, she has lived here since 1974 and the junkyard was not there at that time. Cook said she didn't want the County to allow Beck to keep his junkyard here.

There were 7 citizens present in opposition to this request.

Dorsett talked about a trash pile he saw up the road from this request. Dorsett said that the County needed to take a look at any trash problems and see that they were cleaned up. Dorsett said that the request site is not the only unsightly property in the area. Dorsett said he didn't feel the County should take away Beck's livelihood but the County should regulate the junkyard.

McLeod said he agreed with Dorsett.

Craven said the County should at least place regulations on the property.

Dorsett made the motion that the Board postpone a decision on this request until the Planning Department had time to negotiate with Beck.

Johnson said that Dorsett's point is well taken and the legal issue with this property is the amount that Beck has expanded since countywide zoning. Johnson expressed concern of Beck's encroachment on to the property to the north of his property. Johnson told the Board that there is lots of evidence that Beck didn't have cars on the front of his property before countywide zoning. Johnson said that up until now Beck has not been willing to work with the County.

Dorsett said he felt the County should place restrictions such as setbacks from all adjoining property lines, setback restriction from Deep River, etc.

McDowell said that he would like to see the County strongly consider environmental issues and protective measures such as screens and buffers.

Ridge asked if there were any State requirements, and **Johnson** said Beck would need approval from the State to operate his junkyard.

Craven made the motion, seconded by **McLeod**, to postpone this request. The motion passed unanimously.

- B. **CLIFF LOFLIN**, Denton, North Carolina, is requesting that .69 acre (out of 7.41 acres) located at 7431 Gravel Hill Road, New Hope Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 6686592538. The proposed Conditional Use Zoning District would specifically allow storage in an existing 70' x 105' accessory building for a bobcat business that is located on adjacent property.

- **Technical Review Committee Recommendation:**

The Technical Review Committee met following the Neighborhood Information Meeting and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved. However, the structure must meet N.C. Building Codes.

Loflin was present for this meeting and said he is working to bring the building up to N.C. Building Code requirements.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- C. **LEON MATTHEWS**, Siler City, North Carolina, is requesting that 1 acre (out of 17.01 acres) located at 3418 Old Coleridge Road, Coleridge Township, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Tax ID# 8629861896. The proposed Conditional Use Permit would specifically allow an automotive repair and sale of used parts business from an existing 24' x 40' building.

- **Technical Review Committee Recommendation:**

The property has been in continual zoning violation for years. It is the Technical Review Committee's policy to not recommend approval of any zoning change request of a property that is currently in violation of zoning requirements. The following is a chronology of Planning Department Code Enforcement activities involving the Leon Matthews

property.

- *February 2, 2001 - An inspection was made of the property in response to a complaint. There were 30 junked vehicles visible on-site.*
- *February 5, 2001 - Notice of violation was sent to Mr. Matthews.*
- *March 7, 2001 - Code enforcement officer visited property and no progress was made.*
- *March 9, 2001 - The case was turned over to the County Attorney for legal action.*
- *March 22, 2001 - Matthews called and spoke to Randle Brim. Matthews explained he ran a business where he stripped the cars for parts and sold the parts.*
- *August 23, 2001 - Code Enforcement posted the site at the request of the County Attorney.*
- *August 29, 2001 - Matthews requested that Code Enforcement visit him on-site to discuss his options and what he would need to do to bring the property into compliance.*
- *September 28, 2001 - Code enforcement visited the site with the County Attorney.*
- *April 5, 2002 - Civil action was filed against Matthews. No further action taken by County Attorney.*
- *March 2, 2004 - Property posted again for legal action.*

Matthews was present and explained that he has owned this property for 4 ½ years. Matthews said that he buys junk vehicles, strips the usable parts, sells the parts and hauls the remainder of the vehicle off. Matthews said that he keeps between 30 and 40 vehicles on the property. Matthews said he has installed a privacy fence to hide the junk cars so his neighbors won't have to see the junk. Matthews said that he lives on the property and his son helps him in the business. The business operates from 7 am to 7 pm. Matthews said that he had a business in High Falls and a business in Siler City. Matthews said he purchased this property to combined the operations on one property. Matthews said he was notified in 2001 by the County that he was in violation of zoning laws. At that time he crushed and removed several cars.

There was no one present to speak in opposition to this request.

Johnson said that this business clearly started after countywide zoning, and when the County received complaints about this operation, legal action began. **Dorsett** asked how many complaints the County received, and **Johnson** answered that the complaints were not intense. Johnson said the complaints were not against

Matthews, but they were against a junkyard being created in the area.

Dorsett asked questions about how properties are posted and **Johnson** gave a brief summary of Code Enforcement procedures.

McDowell asked what would be the next step would be if the request was not approved. **Johnson** said that Code Enforcement is sworn to uphold the Ordinance and to try to work with the property owners. Johnson said that if this request is not approved, the County will continue legal action against the property owner.

Craven expressed concern that if approved this request would set a precedence in this rural area. **Craven** made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be denied. Dorsett said that this Board must enforce the County Zoning Ordinance. The motion passed unanimously.

- D. **JOSEPH & SUSAN FREEMAN**, Asheboro, North Carolina, are requesting that 1 acre (out of 2.20 acres) located at 2024 NC Hwy 49S (across from Walker Road), Cedar Grove Township, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Tax ID# 7639893356. The proposed Conditional Use Zoning District would specially allow a lawn & garden center and landscaping business in a proposed 25' x 35' building.

- **Technical Review Committee Recommendation:**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved.

An example of a Growth Management Policy that the Technical Review Committee found supporting this recommendation is:

Policy 4.3 Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.

Freeman was present and expressed their desire to place a greenhouse on the property and have plant sales. Freeman said they plan to also have a general store to sell pots, seed, fertilizer, and other planting materials. Freeman said they operate a landscaping and mowing business that employees 6 people.

There was no one present in opposition to this request.

Craven made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- E. **THEODORE CHEEK**, Seagrove, North Carolina, is requesting that 4.44 acres (out of 7.37 acres) located at 7486 Riverside Road, Brower Township, be rezoned from Residential Agricultural to Light Industrial/Conditional Use. Tax ID# 8615844747. The proposed Conditional Use Zoning District would specifically allow a junkyard.

- **Technical Review Committee Recommendation:**

The Technical Review Committee met and discovered that the property appears to be in violation of current zoning regulations. It is the Technical Review Committee's policy to not recommend approval of any zoning change request of a property that is currently in violation of zoning requirements. The specific violations include placement of a mobile home without permits, installation of a septic tank system without permits, and storage of junk vehicles.

Cheek was not present for this meeting and the Board noted that there are junk vehicles currently on the property.

There was no one present in opposition to this request.

Craven made the motion, seconded by **McLeod**, that this request be **denied**. The motion passed unanimously.

- F. **GARY MORRIS**, Sophia, North Carolina, is requesting that the Conditional Use Permit issued on 1.02 acres located at 5491 US Hwy 220S, Richland Township, Light Industrial/Conditional Use Zoning District, be changed. Tax ID# 7657928701. The proposed Conditional Use Permit would specifically allow an automotive body repair & towing operation. Property Owners - J.J. & Sons Pressure Washing.

- **Technical Review Committee Recommendation:**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County

Planning Board that this request be approved.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.2 Highway oriented commercial uses should be clustered along segments of arterial streets and contain land uses that are mutually compatible and reinforcing in use and design. They should be designed in a way that minimizes signage, access points and excessive lengths of commercial strip development.

Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas shall be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

Morris explained his intention to operate a body shop from this location. Morris said that they would have a storage yard for cars to be stored on a short-term basis. Morris said that they are on a wrecker rotation with the State Highway Patrol.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Craven**, that this request be **approved**. The motion passed unanimously.

6. The meeting adjourned 9:03 p.m. There were 35 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

**Hal Johnson,
Planning Director**

**Jill Wood,
Clerk/Secretary**